

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 4:05CR85 HEA
)
)
OTIS McALLISTER, et al.,)
)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Defendant Ball's Motion to Suppress Evidence and Statements, [# 95]; Ball's Motion to Suppress Identification Testimony, [# 96]; defendant Moore's Motion to Suppress Identification Testimony, [# 92]; and Moores' Motion to Suppress Evidence and Statements, [# 93]. The Court referred this matter to United States Magistrate Judge David D. Noce for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On June 2, 2005, Judge Noce filed his recommendation that Defendants' Motions be denied as moot. No objections to the report and recommendation have been filed.

The Court will adopt and sustain Magistrate Judge Noce's Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that defendant Ball's Motions, [#'s 95 & 96] are denied as moot.

IT IS FURTHER ORDERED that defendant Moore's Motions, [#'s 92 and 93], are denied as moot.

Dated this ^{20TH} day of June, 2005.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE